

Why the documental information access experts have been banned from the debate about the new Mexican Freedom of Information Act (FOIA) in the making?

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“The secret with a few exceptions, is deeply incompatible with the democracy and science” - - Carl Sagan. The world and his devils. The science as a light in the darkest. (1)

Introduction

This work talks about the transparency and the access of the Public Government Information, his **initiative of law** had been proved in April 22, 2002 by the **Government Commission of the Representatives Chamber**. It's not enter in discussion in the topics in Sweden in 1776 (2), or recently in Mexico in the 70's (3), the things that said which information must be available and which information must not. We think that this initiative of law had been discussed in his content and, even though gives for much, could be approved into 1 year. This contribution comes to claim to the administrators for the access of information (for the effects of all of you we called like this the librarians and **archivers**, the lost links of the information chain of this initiative of law.

***Law with the access of information**

For this days we have compiled a big quantity of information about the access of the public information in Mexico. A thing very **loable** if we see Germany that promulgated his Law between 1988 and 1999, Japan in 1999 and England in 2000 (4). In this case Mexico is in the same level as the big power nations are, at least in the big encourage of fight with the government corruption trace a Law of Transparency and Access to the Public Information. Who dominates the topic could associate Ernesto Villanueva like the “father” of this law. Even / Inclusively

we have a new institute, The National Institute for the Access to the Public Information (INIAP).

However, it has a key piece that is lost in this puzzle: the administrators for the access to the information. The thing is simple: exist the information producers, that are precisely the federal, state and local instances, through their daily processing of data and their internal or external information; exist the users or interested public that faced with the negative for the access to the public information, they are demanded his opening and transparency. At federal level it begins, finally, to concrete the right of the access to information. But the thing that is clear **too** is that this initiative – at least in the **más algido** since the last year – have not taken account the administrators for the access to the information.

Now we see. Having rights to the access of the public information is not **qua non** of his effective access (in any **encriptorios** materials in which is registered: paper, audiovisuals, diskettes, CDs, DVDs, etc.). The thing is, it's not guarantee to the users his effective access. But example, in our Constitution we have the right for the job, but exists a big unemployment that is making our citizens to suffer. The right for the right of the access of the information can result even **idílico** where is thinking that for magic the information will be processed, produced, registered in **encriptorios** materials, organized and disseminated in the city to the world when the users ask for it. It's not far to the truth.

August 2 and 3, 2001 was published in the Editorial Section of El Heraldo de Chihuahua the article: "Law of Access to information, librarians and **archivers**". Today – May 15, 2002 - like in that time I emphasize the same:

"One law of liberty or access to the public information would be another dead law instead of we take account the librarians and **archivers**, because we can make a great law of access to the information with the suitable content, but, if we have in the beginning practice, processing and output of information of the documental systems, the flow is ineffective and inefficient, simply as that we won't have access or not with the velocity that will be **crucial** in much of the cases" (5).

Natan N. Mnjama (an expert **Botswanean** in **librarianship** and **archivonomía**) lands the idea better: "The right for the access to the information as it lodged in the legislation don't has value if people don't have access to the documents and registers".

The administrators for the access to the information maybe are the unique agents that have stayed out of the Villanueva's nomenclature, **sea motu proprio** or because that **adalides de estas tan Justas huestes** don't know the administration of information is older than Astrean and Hermes and was born since the first moment in what the Sumerians wrote their first clay planks. Not so far, they don't know that thanks to a excessively bureaucracy system of documentation in the major part of the national justice tribunals, hundreds or thousands of innocents become prisoners because the functionaries lost the file, said that is not lost, only mislaid in

thousands of other files in the dead archive. Thanks to this system the application – delivery system of documents that could be making immediately way, being late days, months or years. This documental system of north to south and of coast to coast in the Mexican government restricts the liberty of innocents, becomes numb the national economic growth, affects the country in many ways and besides is a cultivation of corruption.

See this new **initiative of law** in detail, remember, only in the perspective of the administrators of the access to the information, who are loyal persons that Astrea and Hermes for equilibrate this balance.

In the first chapter, General Arrangements for the Access to Information Law, we have not much to object, only the Article number 9:

“Art. 9: Each organ must have to **sistematizar** the information, for make more available the access to the person, his publications through the available sources too”.

In Mexico doesn't exist the librarian informative culture, and if the librarians and **archivers** don't be topics of the experts domain, **less** the users. Here is not specifying a standardized systematization, uniformed, normalized, is not mentioned in the chapter 4 of INIAP neither, in the beginning it guarantees that each unit is the owner of his own kingdom and can **implement** his own system and distribution lines although doesn't exist any compatibility with others and with the INIAP.

Chapter 4, INIAP.

“Art. 27: The Institute will have the next attributions:

The INIAP describes 11 attributions, but in any of them is mentioned that it will **enable** the personnel that will stock, organize and disseminate the information to the users (librarians or **archivers** or the persons that we called administrators for the access to the information). We don't talk about the hiring of personnel with a degree or a master degree in **Bibliotecología**, **Biblioteconomía** or **Archivonomía**, only about courses of administration of informative resources, documentals, archivers organization, and others related to the National School of **Biblioteconomía** and **Archivonomía**, or in the **University** Center of **Bibliotecológicos** Studies or in other centers of professional training.

As we see, the law is not precisely in determine the functions of the administrators of the access to information. Is not clear the key piece that would guarantee his success: the intermediaries between the public information and Juan Pueblo that asks for it, it means, the librarians or **archivers**.

“Art. 28: The Institute will have in his structure for the good function of his attributions with a Executive Secretary, Legal **Consultative** Direction, General Direction of Statistics, General Direction of Studies, Promotion and Broadcasting,

General Direction of International Business, and General Direction of Administration.

It doesn't exist an Operational Direction of Documental Centers of the Institute in D.F. and in the rest of the country where is attending the users. Doesn't exist a **Capacitación** Direction of Librarians, or **Archivers**, or **Documentalists** or Administrators of the access to information as we have been calling. Doesn't exist the experts of the access to information, and the unique agents that today have involved don't have any idea about that are scorning and dream with the simple right of access.

In general, doesn't exist in this law the correct vision about the initiative with a lot of importance, we think it won't be very successful if they don't seriously consider the experts for the access of information. And, if this law is **retomada** by the states and local governments as they did, then we can guarantee that the inadaptable access to the information not only will exist in the federal government, **but** in the last corner of the country where has jurisdiction the local heads.

Conclusions

The things that we need to make this law successful and the access to the information be really effective in all of the government level, I make the next suggestions for **been taken account** by the National Institute of Access to the Public Information:

Art. 9:

*INIAP guarantees a **systematization** of information in base on the international norms of documentation, **bibliotecología** and **archivística**.

Art. 27:

*INIAP hires personnel with a degree or master degree in **archivonomía**, **biblioteconomía** or **bibliotecología**.

*INIAP guarantees the professional **capacitación** of the administrative personnel of the access to information with courses and studios in **archivonomía**, **biblioteconomía** or **bibliotecología**.

Art. 28:

*INIAP should create documental centers in all the country with a General Central Direction in the City of Mexico and State Coordinators that coordinate the local centers.

*INIAP should settle the costs of buildings, furniture, equipment and salaries of the administrators of the access to information for being a unique coordination and

payroll, and guarantees the **effectivity** and quality of the processes and the optimization of the financial resources.

*INIAP should create a **Capacitación** Direction for administrators of the access to information.

*INIAP should guarantee the decent payment to the new administrators of the access to information, and the increase of it in base to the civil service of the career that was legislated and accepted.

Finally, the thing is more simple: What is the function of Everest of information that are piled to the sky and users that are requiring it if the suitable line to access to his sheering and lightened tops in this law have not been considered and legislated?

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